

EDWARD J. MARKEY

7TH DISTRICT, MASSACHUSETTS

ENERGY AND COMMERCE COMMITTEE

RANKING MEMBER
SUBCOMMITTEE ON
TELECOMMUNICATIONS AND
THE INTERNET

SELECT COMMITTEE ON
HOMELAND SECURITY

RESOURCES COMMITTEE

Congress of the United States
House of Representatives
Washington, DC 20515-2107

2108 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-2107
(202) 225-2836

DISTRICT OFFICES:

5 HIGH STREET, SUITE 101
MEDFORD, MA 02155
(781) 396-2900

188 CONCORD STREET, SUITE 102
FRAMINGHAM, MA 01702
(508) 875-2900
www.house.gov/markey

March 29, 2004

The Honorable Tom Ridge
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Dear Mr. Secretary:

I am writing to request clarification of the Department of Homeland Security's spending plan for funds appropriated in Fiscal Year 2004 for the Metropolitan Medical Response System (MMRS), an important component of homeland security protection against the consequences of radiological dispersion devices, or so-called "dirty bombs."

On March 24, 2004, Under Secretary for the Department's Emergency Preparedness & Response (EP&R) Directorate Michael Brown appeared before the Homeland Security subcommittee of the House Appropriations Committee. In response to questions from members of the Committee, Undersecretary Brown asserted that FY 2004 funds for MMRS would be expended according to the appropriation level established by Congress. However, I have recently learned that the Director of the Preparedness Division at EP&R has been ordered to "redirect" up to \$40 million of MMRS' \$50 million FY 2004 appropriation to the Office of Management and Budget (OMB), and to discontinue all FY 2004 expenditures, effective March 22, 2004.

The conditions under which these funds may be reprogrammed are set by Section 503 of Conference Report 108-280 accompanying H.R. 2555, the FY 2004 Homeland Security Appropriations bill. Any reprogramming that affects the lesser of \$5 million or 10% of a program's funds may not take place unless the Committees on Appropriations of both the Senate and the House of Representatives are notified 15 days in advance. To my knowledge, no such reprogramming notification for MMRS funds has been sent to these committees. In fact, such a request would be a remarkable contradiction of Under Secretary Brown's March 24 testimony before the House Appropriations Homeland Security subcommittee.

As you know, MMRS was created in the wake of the terrorist release of sarin nerve gas in a Tokyo subway in 1995. The program now provides funding to over 120 U.S. cities to coordinate and improve local first responders' ability to deal with chemical, biological and radiological attacks. The threat from radiological attacks (dirty bombs) is very real; news reports last year indicated that al Qaeda is seeking materials for a dirty

bomb in North America.¹ The Nuclear Regulatory Commission has admitted that over half of the 1700 U.S. radiological sources reported lost or stolen in the last five years are still missing. A recent study by the National Defense University concluded that casualties from a dirty bomb could be much higher than previously thought, stating that “the U.S. should be prepared to cope with tens, hundreds, or conceivably thousands of victims of acute radiation sickness” in the event of an attack.² Concern about dirty bombs was a major factor in the Orange Alert issued by DHS over the winter holidays.³

The importance of MMRS in protecting American cities from the consequences of terrorist dirty bomb attacks should not be underestimated. The Institute of Medicine released a study of MMRS in 2002, saying that it was “favorably impressed by the program’s focus on empowering local communities, as opposed to creating yet another federal team to rush to the community at the time of an incident”.⁴ Despite the important role of the MMRS within our homeland security strategy, the Bush Administration’s FY 2005 budget request eliminates funding for this vital program, an unwise, ill-timed policy decision to which I have objected in earlier correspondence with the Department. It now appears that the Administration is diverting FY 2004 funds away from the MMRS, even as the security threat posed by dirty bombs remains significant. As the author of H.R. 891, the Dirty Bomb Prevention Act, which would improve the nation’s ability to keep radiological materials for building dirty bombs out of the wrong hands, I believe strongly that a robust MMRS is an important complement to our efforts to prevent unauthorized access to radiological materials.

In light of the serious and ongoing threat of terrorist dirty bombs and conflicting messages about the status of MMRS funding, I ask that you answer the following questions.

1. I have learned that the Director of the Preparedness Division at EP&R has been instructed by the Director of Operations of EP&R to “redirect” \$40 million to OMB. Why was this instruction given?
2. Who made the decision to issue this instruction, when was it made, and on what basis? Please provide a copy of all memos, studies, correspondence (including emails) and other documents related to this decision.
3. How much of MMRS’ \$50 million FY 2004 appropriation has already been spent and/or committed?

¹ See “Al Qaeda Pursued a ‘Dirty Bomb’,” *Washington Times*, October 17, 2003.

² See “Dirty Bombs: The Threat Revisited,” Peter D. Zimmerman with Cheryl Loeb, Center for Technology and National Security Policy, National Defense University, January 2004.

³ See “‘Dirty Bomb’ Was Major New Year’s Worry,” *Washington Post*, January 7, 2004.

⁴ See “Preparing for Terrorism: Tools for Evaluating the Metropolitan Medical Response System Program,” Institute of Medicine, 2002.

4. Why have the House and Senate Appropriations Committees not received requests for this reprogramming, and why did Under Secretary Brown testify otherwise on March 24, 2004?
5. What goal or purpose for this money does DHS feel is more important than protecting American cities from biological, chemical and radiological terrorist attacks?
6. Will the Department take action to reverse the instruction to redirect MMRS funds to OMB? If not, why not?

I appreciate your attention to this important issue and look forward to the Department's response. If you have any questions, please contact Dr. Colin McCormick of my staff at 202-225-2836.

Sincerely,

A handwritten signature in black ink that reads "Edward J. Markey". The signature is written in a cursive, flowing style.

Edward J. Markey
Member of Congress